ပုံစံ (၅)

မြန်မာနိုင်ငံ ရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်

ခွင့်ပြုမိန့်

ခွင့်ပြုမိန့်အမှတ် ၅၅၆/၂၀၁၃ ၂၀၁၃ ခုနှစ်၊ ဇန်နဝါရီလ ၃၁ ရက်

ပြည်ထောင်စု မြန်မာနိုင်ငံတော် နိုင်ငံခြား ရင်းနှီးမြှုပ်နှံမှု ဥပဒေ ပုဒ်မ (၁၀) အရ ဤခွင့်ပြုမိန့်ကို မြန်မာနိုင်ငံ ရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်က ထုတ်ပေးလိုက်သည် -

(က) **ကမကထပြုသူ၏အမည်** ဦးစိုင်းခွန်စန်းအောင်

(ခ) **မည်သည့် နိုင်ငံသား** ရှမ်း/ ပလောင်

(ဂ) **နေရပ်လိပ်စာ** အမှတ် (၆၈) အင်းလျားလမ်း၊ ၁၀ ရပ်ကွက်၊ ကမာရွတ်မြို့နယ်၊ ရန်ကုန်မြို့၊

(ဃ) **ပင်မအဖွဲ့အစည်းအမည်နှင့် လိပ်စာ** IMU ENTERPRISE LIMITED ၁၅/၁၆၊ ဗဟိုစည်အိမ်ရာ၊ လမ်းမတော်မြို့နယ်၊ ရန်ကုန်မြို့၊

(င) **ဖွဲ့စည်းရာအရပ်** ရန်ကုန်မြို့

(စ) **ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်မည့်လုပ်ငန်းအမျိုးအစား** ဆေးရွက်ကြီးစိုက်ပျိုးခြင်း၊ ပြုပြင်ထုတ်လုပ်ခြင်းနှင့် ရောင်းချခြင်း၊ စီးကရက် ထုတ်လုပ်ခြင်း နှင့်ရောင်းချခြင်း လုပ်ငန်း

(ဆ) **ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်ခွင့်ပြုသည့်အရပ်ဒေသ(များ)** မြေကွက်အမှတ်၊ ၅၅/၅၆၊ ရွှေသံလွင်စက်မှုဇုန်၊ လှိုင်သာယာမြို့နယ်၊ ရန်ကုန်တိုင်းဒေသကြီး၊

(ဇ) **နိုင်ငံခြားမတည်ငွေရင်း** အမေရိကန်ဒေါ်လာ ၁၄.၅ သန်း

(ဈ) **နိုင်ငံခြားမတည်ငွေရင်းယူဆောင်လာရမည့်ကာလ** ကော်မရှင်ခွင့်ပြုမိန့် ရရှိပြီး (၁)နှစ်အတွင်း

(ည) **စုစုပေါင်း မတည်ငွေရင်းပမာဏ(ကျပ်)** အမေရိကန် ဒေါ်လာ ၂၈.၄ သန်း နှင့် ညီမျှသော မြန်မာကျပ်ငွေ

(ဋ) **ရင်းနှီးမြှုပ်နှံခွင့်ပြုသည့် သက်တမ်း** ၃၀ နှစ်

(ဌ) **မြန်မာနိုင်ငံတွင်ဖွဲ့စည်းမည့်စီးပွားရေးအဖွဲ့အစည်းအမည်** BRITISH AMERICAN TOBACCO MYANMAR LIMITED

ဥက္ကဋ္ဌ

မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်

Form (2)

Sr. No. ....

Dated. ....

The Myanmar Investment Commission

PERMIT

Permit No. 556 / 2013 Date 31st JANUARY, 2013

The Myanmar Investment Commission issues this Permit under Section 10 of the Union of Myanmar Foreign Investment Law -

(a) Name of Promoter U SAO KHUN SAN AUNG

(b) Citizenship SHAN/ PA LAUNG

(c) Address NO-68 INNYA ROAD, 10 WARD, KA MAR YUT TOWNSHIP, YANGON,

(d) Name and Address of principal organization IMU ENTERPRISE LIMITED 15/16, BAHOSI COMPLEX, LANMADAW TOWN SHIPS, YANGON,

(e) Place of incorporation YANGON

(f) Type of business in which investment is to be made PLANTATION, PROCESSING & SALES OF TOBACCO,MANUFACTURING AND MARKETING OF CIGARETTES

(g) Place(s) at which investment is permitted 55/56, SHWE THANLWIN INDUSTRIAL ZONE, HLAING THAR YAR TOWNSHIP, YANGON, MYANMAR.

(h) Amount of foreign capital US $ 14.5 MILLION

(i) Period for bringing in foreign capital WITHIN 1 YEAR FROM THE DATE OF ISSUANCE OF MIC PERMIT

(j) Total amount of capital (Kyat) EQUIVALENT IN KYAT OF US $ 28.4 MILLION

(k) Permitted duration of investment 30 YEARS

(l) Name of the economic organization to be formed in Myanmar BRITISH AMERICAN TOBACCO MYANMAR LIMITED

Chairman

The Myanmar Investment Commission

REPUBLIC OF THE UNION OF MYANMAR

MYANMAR INVESTMENT COMMISSION

Building No.(32), Nay Pyi Taw

Our ref : Ya Ka-1/Na- 778/ 2013(1790) Tel: 95-067-406334,406075

Dated : 31 January, 2013 Fax: 95-67-406333

Subject : **Decision of the Myanmar Investment Commission on the proposal for " Plantation, Processig & Sales of Tobacco; manufacturing and marketing of Cigerattes " under the name of " British American Tobacco Myanmar Limited"**

Reference: British American Tobacco Myanmar Limited Letter dated (28-1-2013)

1. The Myanmar Investment Commission, at its meeting (5/2013) held on (30-1-2013)had approved the proposal for investment in " Plantation, Processing & Sales of Tobacco; manufacturing and marketing of Cigerattes" under the name of "British American Tobacco Myanmar Limited " submitted by IMU Enterprise Limited(49%) from the Republic of the Union of Myanmar and British American Tobacco Marketing (Singapore) Private Limited(51%) from Singapore as Joint Venture foreign investment.

2. Hence, the "Permit" is herewith issued in accordance with Chapter VI, Section 10 of the Republic of the Union of Myanmar Foreign Investment Law and Chapter VI, Article 13 of the Procedures relating to the said Law. Terms and conditions to the "Permit" are stated in the following paragraphs.

3. The permitted duration of the project shall be 30 (Thirty) years commencing from the date of signing of the Lease Agreement for land and extendable for another 15 (Fifteen) years two terms period by mutual agreement between IMU Enterprise Limited and British American Tobacco Myanmar Limited.

4. The annual rent for the land shall be US$ 9,204,731 (United States Dollar nine million,two hundred and four thousand, seven hundred and thirty-one only) calculated at the rate of US$ 5.50 per square meter per

year for uncoverd area of 2,893.75 square meter and US$ 11.00 per square meter per year for coverd area of 15,289 square meter .

5. In issuing this "Permit," the Commission has granted ,amongst the followings, exemptions and reliefs as per Section 21(a), (i) and (j) of the Republic of the Union of Myanmar Foreign Investment Law. Other exemptions and reliefs under Section 21 shall have to be applied upon the actual performance of the project;

(a) As per section-21(a), exemption from income tax up to 36 (Thirty six) consecutive months starting from the month of commencement of commercial operation.

(b) As per section-21(b), exemption from income tax on profits of the business if they are maintained in a reserve fund and re-invested therein within one year after the reserve is made.

(c) As per section-21(c),right to accelerate depreciation in respect of machinery, equipment, building of other capital assets used in the business to the extent of the original value for the purpose of income-tax assessment.

(d) As per section-21(d), relief from income tax up to 50 percent on profits accrued from exports, following a 3 years tax holidays period.

(e) As per section-21(e), right to pay income-tax payable to the State on behalf of foreigners who have come from abroad and are employed in the enterprise and the right to deduct such payment from the assessable income.

(f) As per section-21(f), right to pay income-tax on the income of the above-mentioned foreigners at the rates applicable to the citizens residing within the country.

(g) As per section-21(g), right to deduct from the assessable income such expense incurred in respect of research and development relating to the enterprise which are actually

required and are carried out within the State, only after 3 years tax holidays period.

(h) As per section-21(h), right to carry forward and set-off up to three consecutive years from the year the loss is sustained following the enjoyment of exemption from income-tax, in accordance with Section-4 of the Income Tax Amendment Law, 1991.

(i) As per section-21(i), exemption from customs duty and all other internal taxes on machinery, equipment, instruments, machinery components, spare parts and materials used in the business, which are imported as they are actually required for use during the period of construction.

(j) As per section-21(j), exemption from customs duty and all other internal taxes on such raw materials which are actually required for operation of the business shall be granted within three years of commercial operation following the period of construction.

6. IMU Enterprise Limited shall have to sign the Joint Venture Agreement with British American Tobacco Marketing (Singapore) Private Limited and lease agreement for land and building with British America Tobacco Myanmar Limited. After signing such Agreements, (5) copies shall have to be forwarded to the Commission.

7. British American Tobacco Myanmar Limited in consultation with the Department of Company Registration, Directorate of Investment and Company Administration shall have to be registered. After registration, (5) copies each of Certificate of Incorporation and Memorandum and Articles of Association shall have to be forwarded to the Commission.

8. British American Tobacco Myanmar Limited shall follow the procedures ,rules and regulations according to the respective Ministries.

9. British American Tobacco Myanmar Limited shall perform the proposed activity according to "The Control of Smoking and

Consumption of Tobacco Product Law" and recommendation of Health Department under Ministry of Health.

10. British American Tobacco Myanmar Limited shall use its best efforts for timely realization of works stated in the proposal. If none of such works has been commenced within one year from the date of issue of this "Permit", it shall become null and void.

11. British American Tobacco Myanmar Limited shall abide by existing laws, procedures, rules and regulation in carrying out the proposed activity.

12. The commercial date of operation shall be reported to the Commission.

13. British American Tobacco Myanmar Limited shall endeavour to meet the targets for production and 90% for export as the minimum target.

14. The Commission approves periodical appointments of foreign experts and technicians from abroad as per proposal. British American Tobacco Myanmar Limited shall have to consult with Directorate of Labour, Ministry of Labour, Employment and Social Security for appointment of such foreign experts and technicians.

15. In order to evaluate foreign capital in terms of Kyats and for the purpose of its registration in accordance with the provisions under Section-24 of the Republic of the Union of Myanmar Foreign Investment Law, it is compulsory to report as early as possible in the following manner:

(a) the amount of foreign currency brought into Myanmar, attached with the necessary documents issued by the respective bank where the account is opened;

(b) the detailed lists of the type and value of foreign capital defined under Section-2(h) of the said Law, other than foreign currency.

16. Whenever British American Tobacco Myanmar Limited brings in foreign capital defined under Section-2(h) of the said Law, other than foreign currency in the manner stated in paragraph 15(b) mentioned above, the Inspection Certificate endorsed and issued by an internationally recognized Inspection Firm with regard to quantity, quality and price of imported materials shall have to be attached.

17. After all types of foreign capital (foreign currency and other types of foreign capital) have been brought into Myanmar, a report shall have to be submitted to the Commission as prescribed, vide letter No. Na-Ya 9/101/92(416) dated 3-12-92 [Annexure (1)].

18. British American Tobacco Myanmar Limited shall have the right to conduct account transfer in exchanging foreign currency into Kyat and vice-versa as per para 20 of the Notification No. 40/2011 issued by the Government of the Republic of the Union of Myanmar, dated 30 September 2011.

19. British American Tobacco Myanmar Limited shall report to the Commission for any alteration in the physical and financial plan of the project. Cost over run, over and above the investment amount pledged in both local and foreign currency shall have to be reported as early as possible.

20. British American Tobacco Myanmar Limited shall be responsible for the preservation of the environment at and around the area of the project site. Hence, it shall observe the directive issued by the Commission vide letter No. Ya Ka-1/139/94(0440) dated 30-6-94 [Annexure(2)] to undertake all proper treatment systems and other necessary environmental control systems. In addition , British American Tobacco Myanmar Limited shall responsible to abide by the Myanmar Eavironmental Conservation law, rules and regulations under the Ministery of Environmental Conservation and Forestry.

21. Payment of principal and interest of the loan(if any) as well as payment for import of raw materials and spare parts etc. shall only be

made out of the official foreign exchange earnings of British American Tobacco Myanmar Limited

22. British American Tobacco Myanmar Limited in consultation with Myanma Insurance, shall effect such types of insurance defined under Chapter VIII, Article 15 of the procedures relating to the Republic of the Union of Myanmar Foreign Investment Law.

(Soe Thane)
Chairman

British American Tobacco Myanmar Limited

cc:
1. Office of the Government of the Republic of the Union of Myanmar
2. Office of the Yangon Region Government
3. Ministry of National Planning and Economic Development
4. Ministry of Finance and Revenue
5. Ministry of Commerce
6. Ministry of Foreign Affairs
7. Ministry of Home Affairs
8. Ministry of Immigration and Population
9. Ministry of Labour, Employment and Social Security
10. Ministry of Electric Power
11. Ministry of Industry
12. Ministry of Agriculture and Irrigation
13. Director General, Directorate of Investment and Company Administration
14. Director General, Directorate of Industrial Supervision and Inspection
15. Managing Director,Pharmaceutical and Foodstuff Industries
16. Director General, Customs Department

17. Director General, Internal Revenue Department
18. Managing Director, Myanma Foreign Trade Bank
19. Managing Director, Myanma Investment and Commercial Bank
20. Managing Director, Myanma Insurance
21. Managing Director, Myanma Electric Power Enterprise
22. Director General, Directorate of Trade
23. Director General, Immigration and National Registration Department
24. Director General, Directorate of Labour
25. Chairman, Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry(UMFCCI)